

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

BRYAN "MARTY" WAUGH,

Defendant.

23-CR-370-3 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

The Court has reviewed the parties' submissions regarding whether Bryan "Marty" Waugh knowingly engaged in insider trading and if so, whether the alleged insider trading is "relevant conduct" with respect to the tax evasion offense under the Sentencing Guidelines. *See* ECF Nos. 97, 105, 115, and 119. After reviewing all submissions and for reasons that will be provided at a later date, the Court concludes the following:

- (1) The Government has not shown by a preponderance of the evidence that Mr. Waugh knowingly engaged in insider trading with respect to Australian Agricultural Company, Solid Biosciences, or BCTG Acquisition Corporation.
- (2) The Government has shown by a preponderance of the evidence that Mr. Waugh knowingly engaged in insider trading with respect to Mirati Therapeutics.
- (3) Mr. Waugh's insider trading with respect to Mirati Therapeutics does not constitute "relevant conduct" under Section 1B1.3 of the Sentencing Guidelines. The Court may, and the parties are permitted to argue whether the Court should, consider this conduct in its analysis of the factors under 18 U.S.C. § 3553(a).

The Court will provide its reasons for these conclusions by, at the latest, Mr. Waugh's sentencing, which is currently scheduled for December 10, 2024.

The Clerk of Court is directed to terminate ECF Nos. 105 and 119.

Dated: August 20, 2024
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge